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**FACSIMILE TRANSMITTAL SHEET &  
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**TO:** Assistant Commissioner of Patents  
 United States Patent and Trademark Office  
 Attn: Examiner William M. Moore  
 Fax No. (703) 872-9306  
 Phone No. (703) 308-0583

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on February 24, 2003, to the above-identified facsimile number.

Laura L. Frieke (Signature)

**OFFICIAL**

**FROM:** Laura L. Frieke  
 Fax No. (513) 626-1355  
 Phone No. (513) 626-2721

Listed below are the item(s) being submitted with this Certificate of Transmission:

- 1) Petition for 1-month extension of time, and one copy for authorization to charge fee to Deposit Account;
- 2) Transmittal for Response;
- 3) Response/Amendment (6 pages)
- 4) Terminal Disclaimer, and one copy for authorization to charge fee to Deposit Account

Number of Pages Including this Page: 14

Inventor(s): Rubingh et al.  
 S.N.: 09/645,984  
 Filed: 9/25/2000  
 Conf. No.: 3865  
 Case: 7070

**Comments:**

To Whom It May Concern:

FEB-24-2003 13:27

P&G PATENT DIV SWTC  
 IN THE UNITED STATES PATENT & TRADEMARK OFFICE  
 RESPONSE/AMENDMENT

513 6261355 P.04/14

Case Docket No. 7070

Assistant Commissioner for Patents  
 Washington, D.C. 20231

Dear Sir:

Transmitted herewith is a REPSONSE/ELECTION OF SPECIES for the patent application:

Inventor(s): D. N. Rubingh et al. Confirmation No. 3865

Serial No.: 09/646,984 Group Art Unit: 1652

Date Filed: 3/25/1999 Examiner: W. W. Moore

Title: Serine Protease Variants Having Amino Acid Deletions and Substitutions

1.  No additional fee is known to be required.
2.  The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)		(Col. 3)		OTHER THAN A SMALL ENTITY
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA*		RATE FEE
TOTAL	*	MINUS	**	=	x \$18 =	\$	
INDEP.	*	MINUS	***	=	x \$84 =	\$	
<b>FIRST PRESENTATION OF MULTIPLE DEP. CLAIM</b>						<b>+\$280 =</b>	<b>\$</b>
						<b>TOTAL</b>	<b>\$</b>

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the highest number of total claims previously paid for is less than 20, write "20" in this space.

\*\*\* If the highest number of independent claims previously paid for is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

3.  The Commissioner is hereby petitioned under 37 CFR §1.136(a) to grant any extension of time needed for timely response to the Office Action dated in the above-identified application to preserve pendency of said application. The processing fee under 37 CFR §1.17 has been determined as follows: \$ for a month extension of time.
4. The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-2480. A duplicate copy of this sheet is attached.
  - a.  Any patent application processing fees under 37 CFR §1.16.
  - b.  Any patent application processing fees under 37 CFR §1.17.
5. The Commissioner is hereby authorized to make any additional copies of this sheet needed to accomplish the purposes provided for herein and to charge any fee for such copies to Deposit Account No. 16-2480.

Laura L. Frieke  
 Agent for Applicants  
 Registration No. 52,290  
 Tel. No. (513) 626-2721

February 24, 2003

Customer No. 27752

Case 7070

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :  
Donn Nelton Rubingh et al. :  
Serial No. 09/646,984 :  
Confirmation No. 3865 : Group Art-Unit 1652  
Filed September 25, 2000 : Examiner W.W. Moore  
For SERINE PROTEASE VARIANTS HAVING AMINO ACID  
DELETIONS AND SUBSTITUTIONS

16/C  
M.J.  
3/11/03

RESPONSE TO NON-FINAL REJECTION

Assistant Commissioner of Patents

Washington, DC 20231

Dear Sir:

In response to the October 22, 2002 Office Action in the above-entitled application, please consider the following remarks and reconsider the application. Attached hereto is a Petition for a One-Month Extension of Time, and the fee required under 37 CFR § 1.17(a), providing for a timely response up to and including February 24, 2003 (February 22, 2003 falls on a Saturday).

In the Claims

Please amend claims 1, 12, 13, and 14 as follows:

1. A variant of a serine protease having a modified amino acid sequence of a wild-type amino acid sequence, wherein the modified amino acid sequence comprises a deletion of an amino acid at one or more of positions 70 – 84 corresponding to subtilisin BPN', wherein the variant is not Δ 75 – 83 or Δ 71.
2. A variant according to Claim 11 wherein the deletion of an amino acid is at one or more of positions 73-83 corresponding to subtilisin BPN'.
3. A variant according to Claim 11 wherein the deletion of an amino acid is at one or more of positions 70 and 75-82 corresponding to subtilisin BPN'.
4. A variant according to Claim 13 wherein the deletion of an amino acid is at one or more of positions 75-82 corresponding to subtilisin BPN'.